IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11517 of 2005

Between:

D.Motilal, S/o.Goliya,
O/o.PHC Pedda Devula Pally, Tripuravaram Mandal, Nalgonda District.

..... PETITIONER

AND

1 The Regional Director, Medical and Health Services, King Koti, Hyderabad.
2 The District Medical & Health Officer, Nalgona, Nalgonda District.
3 M.Bichu Naik, S/o.
PHC Gundala, Nalgonda District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in reverting the petitioner from the post of Multipurpose Health Supervisor (Male) to Multipurpose Health Assistant (Male) Vide proc.No.3860/A1/RDH/04, dt.23-3-2005 and consequential proceedings No.NMEP/57/2003 dt.11-4-2005 as highly illegal arbitrary and contrary to the statutory Rules and consequently the Hon'ble Court may be pleased to set aside the impugned Proceedings dt.23-3-2005 and 11-4-2005 and may pass such other order or orders.

Counsel for the Petitioner:MR.M.R.TAGORE

Counsel for the Respondent Nos.1 and 2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent No.3: None

The Court a the admission stage made the following Order: (per Sri K.C. Bhanu,J)

The petitioner filed the present writ petition seeking a Writ of Mandamus to declare the action of the respondents in reverting the petitioner from the post of Multi Purpose Health Supervisor (Male) to Multi Purpose Health Assistant (Male) vide Proc. No. 3860/A1/RDH/04, dated 23.3.2005 and consequential proceedings No. NMEP/57/2003, dated 11.4.2005 as illegal and arbitrary.

The writ petitioner filed O.A. No.1690 of 2005 before the A.P. Administrative Tribunal challenging the selection of the 3rd respondent. The Tribunal refused to pass any interim order on the said application on the ground that the petitioner has not availed the remedy of preferring appeal.

Heard the learned counsel for the petitioner and the learned Government Pleader.

The grievance of the writ petitioner is that the final seniority-cum-merit list prepared and issued by the Chairman, Selection Committee was not supplied to him and as per the provisional seniority dated 12.2.2004, the petitioner is senior to the unofficial respondent No.3. He, therefore submits that till the filing of the appeal, his interest may be safeguarded and protected.

We find no ground to interfere with the impugned order passed by the A.P. Administrative Tribunal since the petitioner has yet to avail the remedy of preferring appeal before the concerned authority under the statutory rules.

In the circumstances, we dispose of the writ petition directing the petitioner to file an appeal before the concerned authority within a period of two weeks from today. Till then, status-quo as of today shall be maintained.

The writ petition is accordingly disposed of. No costs.

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V. ESWARAIAH, J

Dt. 24-5-2005

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K.C.BHANU, J

Pnb

To

1 The Regional Director, Medical and Health Services, King Koti, Hyderabad.
2 The District Medical & Health Officer, Nalgona, Nalgonda District.
3 Two C.Cs. to the G.P. for Medical & Health, High Court Buildings, Hyderabad.
(OUT)

4 Two C.D. copies